

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

LEE L. LOPEZ,

Plaintiff,

vs.

MARK JOHNSON, in his official capacity,

Defendant.

CV 22-32-BU-JTJ

ORDER

The Court conducted a hearing on the Defendants' Motion for Summary Judgment on January 19, 2024. For the reasons stated in open court,

IT IS HEREBY ORDERED:

1. Defendants' Motion for Summary Judgment (Doc. 25) is GRANTED in part, and DENIED in part, as follows:
 - a. The portion of the motion that seeks the dismissal of all of Plaintiff's claims under the 8th Amendment to the United States Constitution is GRANTED.
 - b. The portion of the motion that seeks dismissal of Plaintiff's request for punitive damages is GRANTED.
 - c. The portion of the motion that seeks dismissal of Plaintiff's claim against Defendant Ed Lester under the 14th Amendment to the United States Constitution is GRANTED.

- d. The portion of the motion that seeks dismissal of Plaintiff's claim against Defendant Mark Johnson under the 14th Amendment to the United States Constitution is DENIED.
2. All claims against Defendant Ed Lester are DISMISSED with prejudice.
3. The caption in this case shall be modified as set forth above to exclude Ed Lester as a named Defendant.

DATED this 19th day of January, 2024.



John Johnston
United States Magistrate Judge